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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Sean Bennett, an individual,

Plaintiff,

vs.

City of Phoenix, a governmental entity;
American Airlines, Inc., a foreign
corporation; Officer Joel Cottrell and
Jane Doe Cottrell, a married couple;
Officer Benjamin Denham and Jane Doe
Denham, a married couple; Officer
Todd Blanc and Jane Doe Blanc, a
married couple; Officer Peru and Jane
Doe Peru, a married couple; Sergeant
Hogan and Jane Doe Hogan, a married
couple;

Defendant(s).

Case No. 2:23-cv-02425-ROS--DMF

**DEFENDANT AMERICAN
AIRLINES' MOTION FOR
SUMMARY JUDGMENT OR,
ALTERNATIVELY, SUMMARY
ADJUDICATION; MEMORANDUM
OF POINTS AND AUTHORITIES**

ORAL ARGUMENT REQUESTED

District Judge: Hon. Roslyn O. Silver
Magistrate Judge: Hon. Deborah M. Fine

Defendant AMERICAN AIRLINES, INC., (hereinafter "American Airlines"),
by and through its undersigned counsel of record, hereby submits this Motion for
Summary Judgment or, in the alternative, Summary Adjudication pursuant to Rule 56
of the Federal Rules of Civil Procedure, and requests oral argument pursuant to Local
Rule 7.2(f).

This motion is made on the grounds that Plaintiff SEAN BENNETT's
("Plaintiff") claim for instigating or participating in a false arrest is time-barred, and

1 his remaining claims for negligence, assault, battery, and intentional infliction of
2 emotional distress are solely premised upon statements made to law enforcement by
3 American Airlines' employees in response to a security threat and, thus, are afforded
4 absolute immunity under the Aviation Transportation and Security Act. Accordingly,
5 all of Plaintiff's causes of action fail and American Airlines is entitled to a dismissal
6 as a matter of law.

7 This motion is supported by the following Memorandum of Points and
8 Authorities, the accompanying Separate Statement of Facts and Exhibits thereto, the
9 pleadings and records on file with this Court, and any oral argument this Court may
10 entertain.

11 Respectfully submitted,

12 Dated: December 22, 2025

13 By: /s/ Patrick Kearns
14 Patrick J. Kearns, Esq.
15 Taylor Allin, Esq.
16 Sarena L. Kustic, Esq.
17 *Attorneys for Defendant, American*
18 *Airlines, Inc.*

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This case arises from an incident where Plaintiff, Sean Bennett (hereinafter referred to as “Plaintiff”), was removed from an American Airlines’ plane, before takeoff, due to his threatening and disruptive behavior.

Once removed from the flight and while in the boarding area, Plaintiff engaged with Phoenix Police officers, who physically tackled and arrested the Plaintiff. Plaintiff claims he was injured during the altercation with the Police and brings several causes of action against American Airlines, claiming the airline is responsible for those injuries because it made “false statements” when it originally summoned the authorities. American Airlines, however, is immune from civil liability in these circumstances. Specifically, and as set forth below, pursuant to the Aviation Transportation and Security Act—among other authorities—an airline is immune from liability for statements made to law enforcement when a threat to security is perceived. Consequently, American Airlines is entitled to Judgment in its favor as a matter of law.

Additionally, with respect to Plaintiff’s claim for instigating or participating in a false arrest and imprisonment, the claim is time-barred. Plaintiff brought this particular claim more than one year after the statute of limitations expired. Thus, at a minimum, American Airlines is entitled to summary adjudication on this claim.

Accordingly, American Airlines respectfully seeks an Order granting its motion for summary judgment in its entirety, or in the alternative, summary adjudication.

II. FACTUAL BACKGROUND

A. Plaintiff’s Behavior Leading to his Removal from the Plane

On August 13, 2021, Plaintiff boarded American Airlines Flight 2391 from Phoenix, AZ, to Anchorage, AK (the “Subject Aircraft”). (Separate Statement (“SS”), No. 1, Dkt. No. 1-1, Complaint, ¶ 17.)

1 Once onboard the Subject Aircraft, Plaintiff was not compliant with the flight
 2 crew's instructions. (SS, No. 2.) To illustrate, Plaintiff removed his mask several
 3 times despite being instructed to keep it on. (SS, Exh. A, ¶¶ 5-9; Exh. C, ¶¶ 3-4.)
 4 Plaintiff also refused to comply with the flight attendant's instructions to move seats.
 5 (SS, Exh. C, at ¶¶ 4-5; Exh. B, at ¶¶ 4-5.) Plaintiff argued with the flight crew and
 6 was shouting onboard the aircraft. (SS No. 3.) At one point, Plaintiff even got "in the
 7 face" of a flight attendant and told her "You're going to look at me all flight." (SS,
 8 Exh. A, ¶ 9.) Plaintiff yelled loud enough for other passengers to hear him. (SS, Exh.
 9 C, ¶¶ 6-8; Exh. B, ¶¶ 5-6.) Passengers overheard Plaintiff yelling about his military
 10 service and how he had "killed people before." (SS, Exh. C, ¶ 7; Exh. B, ¶ 6.)

11 Plaintiff's behavior was disruptive and raised serious concerns for the flight
 12 crew, as well as the other passengers. (SS No. 4.) One flight attendant felt she could
 13 not fly with Plaintiff because he was aggressive and threatening. (SS, Exh. A, ¶ 11.)
 14 At least one passenger took a video of the Plaintiff's behavior, describing him as
 15 "angry, defiant, and volatile", noting she and other passengers were visibly anxious.
 16 (SS, Exh. C, ¶ 9.) The flight crew determined that Plaintiff needed to be removed
 17 from the subject aircraft. (SS No. 5.) Plaintiff initially refused to deplane and
 18 continued loudly arguing with the flight crew. (SS No. 6; SS, Exh. C, ¶¶ 12-13; Exh.
 19 B, ¶ 7.)

20 **B. American Airlines Calls for Help from Authorities**

21 The Pilot called an American Airlines Tower Gate Dispatcher and reported,
 22 "[w]e've got a combative passenger on board[,] we need police down here
 23 A.S.A.P." (SS No. 7.) The Tower Gate Dispatcher called Airport Emergency
 24 Services and spoke with an Aviation Police Dispatcher, explaining "On board the
 25 aircraft, I'll need LEO's [Law Enforcement Officers], I have a male passenger
 26 her[e] being combative with flight crew." (SS No 8.) The Aviation Police
 27 Dispatcher asked if the passenger was physically fighting, and the Tower Gate
 28 Dispatcher responded, "That's my understanding." (SS No 8.)

1 Before the police arrived, Plaintiff was coaxed off the subject aircraft by
 2 another passenger. (SS No. 9.) According to Plaintiff, he only decided to leave the
 3 plane after the flight crew told him they would have to deboard the entire plane if he
 4 didn't leave, and other passengers began yelling for him to get off the plane. (SS,
 5 Exh. D, 50:17-51:3; 66:5-18.)

6 Once Plaintiff exited the aircraft, he "busted through" the jetway bridge door
 7 into the gate area at Gate A-20. (SS No. 10.) An American Airlines' Gate Manager,
 8 who was already on the phone with another American Airlines Tower Gate
 9 Dispatcher (for unrelated reasons) and unaware of what had occurred on the plane,
 10 reported to dispatch: "someone just busted out through the door. Can you get me
 11 LEO's because I got some guy that is very agitated.... LEO's. I gotta get in front of
 12 someone. OK." (SS No. 11.) The Tower Gate Dispatcher then relayed this second
 13 request for law enforcement assistance to Airport Emergency Services/Aviation
 14 Police Dispatch. (SS No. 12.) These few statements above constitute the entirety of
 15 American Airlines' "statements" at issue in this case. (SS No. 13.)

16 **C. Outside of American Airlines' Control, Plaintiff Engages with Phoenix**
 17 **Police Officers**

18 In the gate/boarding area, Plaintiff continued to rant and yell. (SS, Exh. H, ¶
 19 7.) The Gate Manager felt concerned for his safety after Plaintiff threatened to throw
 20 him through a window. (SS, Exh. H, ¶¶ 4-5.) The Gate Manager chose to disengage
 21 and stand by for law enforcement to arrive. (SS, Exh. H, ¶ 6.)

22 Plaintiff eventually left the gate area at Gate A-20 and walked toward the
 23 Admiral's Club across from Gate A-20. (SS No. 14.) The Police Officers
 24 encountered Plaintiff near the Admiral's Club across from Gate A-20. (SS No. 15.)
 25 Plaintiff then got into a physical altercation with officers and was arrested. (SS No.
 26 16.) Plaintiff claims he was "tackled and bear hugged" by the Police Officers, which
 27 caused him physical injuries. (Dkt. No. 1-1, Complaint, at ¶ 37-43.)

28 ///

1 **III. PROCEDURAL BACKGROUND**

2 Plaintiff filed his complaint in the Maricopa County Superior Court against
3 the City of Phoenix, American Airlines, and several Phoenix Police Department
4 Officers on April 11, 2023. (Dkt. No. 1-1.) The matter was subsequently removed to
5 this Court. (Dkt. No. 2.)

6 On April 23, 2024, this Court dismissed Plaintiff's federal claims and the
7 Officer Defendants on the grounds of qualified immunity. (Dkt. No. 20.) The state
8 law claims were also dismissed for failure to comply with Arizona's Notice of
9 Claim Statute. (Dkt. No. 20.)

10 Plaintiff's causes of action for (i) negligence, (ii) assault, (iii) battery, (iv)
11 instigating or participating in false arrest, and (v) intentional infliction of emotional
12 distress against American Airlines remain at issue.

13 **IV. LEGAL AUTHORITY FOR SUMMARY JUDGMENT**

14 Summary judgment is appropriate when "the movant shows that there is no
15 genuine dispute as to any material fact and the movant is entitled to judgment as a
16 matter of law." Fed. R. Civ. P. 56(a). "A party asserting that a fact cannot be or is
17 genuinely disputed must support that assertion by ... citing to particular parts of
18 materials in the record" or by "showing that materials cited do not establish the
19 absence or presence of a genuine dispute, or that an adverse party cannot produce
20 admissible evidence to support the fact." Fed. R. Civ. P. 56(c)(1)(A-B).

21 Summary judgment is mandatory "against a party who fails to make a
22 showing sufficient to establish the existence of an element essential to that party's
23 case, and on which that party will bear the burden of proof at trial. *Sanchez v.*
24 *JPMorgan Chase Bank, NA*, 643 F. Supp. 3d 1025, 1032 (2022), citing *Celotex*
25 *Corp. v. Catrett*, 477 U.S. 317, 322 (1986).

26 The movant has the burden of showing the absence of genuine disputes of
27 material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). However, once the
28 movant shows an absence of evidence to support the nonmoving party's case, the

burden shifts to the party resisting the motion. *Fleming v. IASIS Healthcare Corp.*, 151 F. Supp. 3d 1043, 1046 (2015). The party opposing summary judgment must then “set forth specific facts showing that there is a genuine issue for trial” and may not rest upon the pleadings. *Id.*, citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986). Conclusory and speculative testimony in affidavits and moving papers is insufficient to raise genuine issues of fact and to defeat summary judgment. *Ariz. Green Party v. Bennett*, 20 F. Supp. 3d 740, 745 (2014), citing *Thornhill Publ’g Co., Inc. v. GTE Corp.*, 594 F.2d 730, 738 (9th Cir. 1979). The court need consider only the cited materials, but it may consider other materials in the record.” Fed. R. Civ. P. 56(c)(3); *Benge v. Ryan*, 154 F. Supp. 3d 857, 864 (2016).

V. AMERICAN AIRLINES IS ENTITLED TO SUMMARY JUDGMENT

A. Plaintiff’s Claim for “Instigating or Participating in False Arrest” is Time-Barred as a Matter of Law.

Plaintiff’s claim for instigating or participating in false arrest is time-barred as it was brought nearly a year after the applicable statutory period expired. Summary judgment/adjudication must be granted in favor of American Airlines on this cause of action.

Arizona follows the Restatement (Second) of Torts § 45A, which provides that, “One who instigates or participates in the unlawful confinement of another is subject to liability to the other for false imprisonment.” *Deadman v. Valley Nat’l Bank*, 154 Ariz. 452, 457 (Ct. App. 1987). Arizona law provides a one-year statute of limitations for false imprisonment claims. A.R.S. § 12-541.

The incident here, and the “false” arrest Plaintiff complains of, occurred on August 13, 2021. (Dkt. No. 1-1, Complaint, at ¶ 14, *see also*, SS No. 17.) Plaintiff alleges Defendants instigated or participated in his alleged false arrest. (Dkt. No. 1-1, ¶¶ 96-101.) Pursuant to A.R.S. § 12-541, the statute of limitations for a false imprisonment claim expired on **August 13, 2022**. Plaintiff did not commence this

1 action, however, until August 11, 2023, nearly a year after the expiration of the
 2 statute. (SS No. 18, *see also*, Dkt. No. 1-1, at first page, file stamp, top right corner:
 3 “Electronically Filed...8/11/2023”.)

4 There can be no reasonable dispute, Plaintiff’s cause of action for “instigating
 5 or participating in a false arrest” is time-barred as a matter of law and American
 6 Airlines is entitled to summary judgment and/or adjudication in its favor.

7 **B. Summary Judgment and/or Summary Adjudication is Appropriate as to**
 8 **Plaintiff’s Claims for Assault & Battery (Counts IV and V).**

9 Nowhere in Plaintiff’s Complaint does he provide a factual contention that
 10 any of American Airlines’ personnel physically touched him, or caused him to be
 11 touched in any harmful or offensive way.¹ Instead, Plaintiff includes blanket,
 12 ambiguous conclusions that “the **Officer Defendants** and employees, agents and/or
 13 servants of Defendant Airlines...caused [him] to apprehend an immediate harmful
 14 or offensive contact...” or that “the **Officer Defendants** and employees, agents
 15 and/or servants of Defendant Airlines...engaged in acts that resulted” in such
 16 contact; appearing to suggest the Phoenix Police Officers are somehow employees of
 17 American Airlines. (Dkt. No. 1-1, Complaint, at ¶¶ 88-95.)

18 When asked to identify all facts which support these conclusory allegations,
 19 Plaintiff provided no facts whatsoever, but instead objected to the interrogatories.
 20 (*See*, SS, Exh. E, Interrogatory No. 10, at p. 8, and No. 13, at p. 9.)

21 More importantly, however, Plaintiff admitted—in response to a request for
 22 admission, that “No American Airlines employee physically touched [him]” on the
 23 date of the incident. (SS, Exh. I, Request No. 15, at p. 4.) He further admitted that he
 24 did not suffer an injury while aboard the aircraft, nor while exiting the aircraft. (SS,
 25 Exh. I, Request Nos. 18-19, at p. 4.) Plaintiff admits he did not have any physical
 26
 27

28 ¹ To the contrary, in his factual allegations, Plaintiff appears to suggest he went out of his way not to be touched in any manner. (*See, e.g.* Dkt. No. 1-1, Complaint, at ¶¶ 27-29.)

1 interactions with any American Airlines employee after deplaning the Subject
2 Aircraft. (SS, Exh. I, Request No. 20, at p. 4.)

3 Plaintiff's admissions, the wholesale lack of actual fact-allegations, coupled
4 with his refusal, in discovery, to provide any such facts in support for his Assault
5 and Battery claims, is dispositive. American Airlines is entitled to summary
6 judgment and/or summary adjudication as to these claims.

7 **C. Summary Judgment as to All Claims is Appropriate Because American**
8 **Airlines' Statements to Law Enforcement are Afforded Absolute**
9 **Immunity Under the Airline Transportation and Security Act (ATSA).**

10 American Airlines is entitled to summary judgment as a matter of law because
11 each of Plaintiff's claims are based solely upon American Airlines alleged
12 statements to law enforcement about his behavior and conduct. Airlines are immune
13 from liability for these types of statements.

14 Airline personnel are responsible for the safety of everyone onboard an aircraft
15 and indeed, maintaining safety "is the highest priority in air commerce." 49 U.S.C. §
16 40101(a)(1). Consequently, an airline is not obligated to transport passengers that it
17 "decides is, or might be, inimical to safety." 49 U.S.C. § 44902(b). This also means
18 airlines are required to report any potential threats to authorities and can even be
19 subject to civil penalties for not doing so. 49 U.S.C. §§ 44905(a), and
20 46301(a)(1)(A); *see, also, Baez v. JetBlue Airways Corp.*, 793 F.3d 269, 275 (2d Cir.
21 2015).

22 To encourage airlines to report potential threats to safety or any type of
23 suspicious behavior, Congress granted airlines absolute immunity for any such
24 disclosures. *See*, 49 U.S.C. § 44941; *see, also, Air Wis. Airlines Corp. v. Hoeper*,
25 571 U.S. 237, 253 (2014) ("*Hoeper*"). Under ATSA, airlines and their employees
26 who make "a voluntary disclosure of any suspicious transaction relevant to a
27 possible violation of law or regulation, ... [or] a threat to aircraft or passenger
28 safety, ... to any employee or agent of ... any Federal, State, or local law

1 enforcement officer, or any airport or airline security officer *shall not be civilly*
 2 *liable to any person under any law* or regulation of the United States, any
 3 constitution, law, or regulation of any State or political subdivision of any State, for
 4 such disclosure.” 49 U.S.C.S. § 44941 (emphasis added).

5 Statements made to other airline personnel are also afforded ATSA immunity,
 6 so long as they are a “step in the chain of events that led to ‘a voluntary disclosure’
 7 of a possible threat to law enforcement personnel.” *Baez, supra*, 793 F.3d at 276,
 8 citing 49 U.S.C. § 44941(a) (applying ATSA immunity to statements made by an
 9 airline employee to a supervisor).

10 The only exception to ATSA’s broad grant of immunity applies to knowingly
 11 false statements or statements made “with reckless disregard as to the truth or
 12 falsity.” 49 U.S.C. § 44941(b); and *see, Baez, supra*, 793 F.3d at 274. “Congress
 13 patterned the exception to ATSA immunity after the actual malice standard of *New*
 14 *York Times Co. v. Sullivan*, 376 U.S. 254 ... (1964).” *Hoeper, supra*, 571 U.S. at
 15 246. “By incorporating the actual malice standard into § 44941(b), Congress meant
 16 to give air carriers the ‘breathing space’ to report potential threats to security
 17 officials without fear of civil liability for a few inaptly chosen words.” *Id.*, at 257.

18 Thus, “denying immunity for substantially true reports, on the theory that the
 19 person making the report had not yet gathered enough information to be certain of
 20 its truth, would defeat the purpose of ATSA immunity: to ensure that air carriers and
 21 their employees do not hesitate to provide the TSA with needed information.” *Id.*, at
 22 238. Accordingly, “a statement that would otherwise qualify for ATSA immunity
 23 cannot lose that immunity because of some minor imprecision, so long as ‘the gist’
 24 of the statement is accurate.” *Id.*, at 255.

25 Moreover, threatening, intimidating, or interfering with a crewmember’s
 26 performance of their duties onboard an aircraft is strictly prohibited by law. *See*, 14
 27 C.F.R. §§ 91.11, 121.580, 125.328, and 135.120. It is similarly illegal to take “any
 28

1 action that poses an imminent threat to the safety of the aircraft or other individuals
2 on the aircraft.” 49 U.S.C. §§ 46318 and 46504.

3 Here, the overwhelming, undisputed evidence confirms that Plaintiff’s
4 behavior was, at a minimum, perceived by American Airlines and passengers to be
5 disruptive and threatening, leading American Airlines to call the police for
6 assistance with a combative passenger. Therefore, as set forth in detail below, ATSA
7 immunizes American Airlines for each of the statements upon which all of
8 Plaintiff’s claims are based.

9 ***1. The Pilot’s Call to Tower Dispatch Falls Under ATSA Immunity:***

10 Once informed of Plaintiff’s behavior, and according to Plaintiff’s own, sworn
11 discovery responses, the Pilot of the subject aircraft called American Airlines Tower
12 Gate Dispatch and stated, “We’ve got a combative passenger on board[,] we need
13 police down here A.S.A.P.” (SS No. 7.) This statement qualifies for ATSA’s absolute
14 immunity because the Pilot is an “employee of an air carrier” and his statement to
15 Tower Dispatch was a voluntary disclosure regarding a possible “violation of law or
16 regulation” or “threat to aircraft or passenger safety.” There is no evidence that the
17 statement was knowingly false or made with actual malice. 49 U.S.C.S. § 44941.

18 Moreover, not following instructions from the flight crew creates disruption,
19 interferes with the flight crew’s ability to perform essential functions, and
20 jeopardizes the overall safety of the flight. *See, e.g., Shaffy v. United Airlines, Inc.*,
21 360 F.App’x 729, 730 (9th Cir. 2009) (wherein a pilot refused to transport a
22 passenger who “presented a potential safety risk because of her failure to obey crew
23 instructions” and “was distracting the crew and presented a safety issue”). The
24 evidence shows Plaintiff repeatedly flouted the flight crew’s instructions, argued with
25 the flight crew, and was shouting onboard the aircraft to the extent that the flight
26 crew and passengers felt intimidated. (SS, Exh. A, ¶¶ 1-12; Exh. B, ¶¶ 1-6; Exh. C,
27 ¶¶ 1-8.) His disruptive actions interfered with the flight crew’s ability to perform
28 their predeparture duties. (SS, Exh. A, ¶¶ 8-10; Exh. B, ¶¶ 3-7; Exh. C, ¶¶ 7-11.)

Plaintiff's conduct onboard the aircraft posed a threat to the overall safety of the flight (in violation of federal regulations) to such an extent that the Pilot believed law enforcement assistance was immediately needed. The Pilot's description of Plaintiff as being "combative" was, by all appearances, true. Significantly, the term "combative" does not necessarily mean physically fighting; it means "marked by eagerness to fight or contend."²

Lastly, the fact that the Pilot made his statement to an American Airlines Tower Gate Dispatcher, and not directly to law enforcement, is irrelevant and does not disqualify the statement from ATSA immunity because the Pilot's statement was a "step in the chain of events" leading to the disclosure of the possible safety threat to law enforcement. *Baez, supra*, 793 F.3d at 276, citing 49 U.S.C. § 44941(a). Thus, the Pilot's statement falls squarely within the bounds of ATSA's absolute immunity and American Airlines cannot be held civilly liable to Plaintiff for such.

2. The Tower Gate Dispatcher's Call to Aviation Police Dispatch Falls Under ATSA Immunity:

After receiving the Pilot's request for immediate assistance from law enforcement, the American Airlines Tower Gate Dispatcher called Aviation Police Dispatch and stated, "On board the aircraft, I'll need LEO's, I have a male passenger here being combative with flight crew." (SS No. 8.) When the Aviation Police Dispatcher asked whether the passenger was physically fighting on the airplane, the Tower Gate Dispatcher responded, "That is my understanding." (SS No. 8.) Like the Pilot's statement, the Tower Gate Dispatcher's statements qualify for ATSA's absolute immunity. She is an employee of American Airlines, was reporting a potential safety threat, and there is no evidence that her statements were knowingly false or made with actual malice. 49 U.S.C.S. § 44941.

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² "Combative", *Merriam-Webster.com*, <https://www.merriam-webster.com/dictionary/combative#dictionary-entry-1> (last visited October 16, 2025).

1 Notably, the Tower Gate Dispatcher did not definitively report that a physical
 2 fight was occurring; she merely conveyed her subjective understanding of the
 3 situation based on her momentary call with the Pilot. Moreover, “minor inaccuracies”
 4 do not give rise to ATSA’s “material falsity” exception (i.e. knowingly false
 5 statements) where, as here, the “gist” of the statement was “substantially true.”
 6 *Hoeper, supra*, 571 U.S. at 238. “Denying immunity for substantially true reports, on
 7 the theory that the person making the report had not yet gathered enough information
 8 to be certain of its truth, would defeat the purpose of ATSA immunity.” *Ibid*.

9 Furthermore, requiring an airline employee to conduct a full investigation of
 10 each possible threat before contacting law enforcement would undermine the very
 11 purpose of ATSA immunity: “to encourage air carriers and their employees, often in
 12 fast-moving situations and with little time to fine-tune their diction, to provide the
 13 TSA immediately with information about potential threats.” *Id.*, at 253; *see, also*,
 14 *Baez, supra*, 793 F.3d at 275 (explaining that airline employees “may not confidently
 15 distinguish between a veiled threat and a comment expressing genuine concerns
 16 about security” and “[t]hat is why, once a report is made, it is for ... law enforcement
 17 officers ‘to determine and execute a response’”).

18 Consequently, the Tower Gate Dispatcher’s statement to Aviation Police
 19 Dispatch is afforded absolute immunity under ATSA. Therefore, American Airlines
 20 cannot be held civilly liable to Plaintiff for this statement.

21 ***3. The Gate Manager’s Call to Tower Dispatch Falls Under ATSA***
 22 ***Immunity:***

23 As Plaintiff exited the jetway bridge into the gate boarding area, an American
 24 Airlines Gate Manager was on the phone with a different American Airlines Tower
 25 Gate Dispatcher for an unrelated matter. (SS, Exh. H, ¶¶ 1-3.) The Gate Manager
 26 observed Plaintiff hit or kick the gate door with such force that it rattled the
 27 wheelchairs stacked outside the door in the gate area. (SS, Exh. H, ¶ 3.) The Gate
 28 Manager reported to the Tower Dispatcher, that “someone just busted out of the...the

door” and requested law enforcement officers (“LEOs”) because he had “some guy that [wa]s very agitated.” (SS No. 10-11.) The Gate Manager’s statement is also immune under ATSA. He is an airline employee reporting—in *real time*—a perceived threat to the safety of airline employees and passengers in the boarding area, and there is no evidence that his statement was knowingly false. 49 U.S.C.S. § 44941. His statement to American Airlines Tower Gate Dispatch was also a step in the chain of events leading to a voluntary disclosure of a potential threat to law enforcement. *Baez, supra*, 793 F.3d at 276, citing 49 U.S.C. § 44941(a). Therefore, the Gate Manager’s statement is granted absolute immunity under ATSA, and American Airlines cannot be held civilly liable for such.

4. The Tower Gate Dispatcher’s Second Call to Aviation Police Dispatch Falls Under ATSA Immunity:

After the Gate Manager requested law enforcement officers to the gate area, a Tower Gate Dispatcher made a second call to Aviation Police Dispatch explaining, “Regarding Gate Alpha 20 and a combative passenger, they are currently off the aircraft and in the jetway” and “they do have him at the podium now, the gate podium, and they, please, they say please get LEO’s there A.S.A.P.” (SS No. 12.) As with Statement No. 2 above, the Tower Gate Dispatcher’s statement to Airport Police Dispatch is granted absolute immunity under ATSA because it is a voluntary disclosure of a possible violation of law or safety threat, and there is no evidence that her statement was knowingly false or made with actual malice. 49 U.S.C.S. § 44941. Consequently, American Airlines cannot be held civilly liable for such.

The foregoing four statements are the only statements made by American Airlines personnel prior to Plaintiff’s arrest. (SS No. 13.) They are the sole statements which underly each of the Plaintiffs’ claims against American Airlines. All of the statements are granted absolute immunity under ATSA and, as such, summary judgment in favor of American Airlines is warranted.

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1 **D. American Airlines is Not Liable for the Independent Actions of Law**
 2 **Enforcement Officers.**

3 To the extent Plaintiff contends that American Airlines is somehow liable for
 4 the actions of the arresting officers, American Airlines is still entitled to summary
 5 judgment as a matter of law because the officers necessarily were acting in
 6 accordance with their independent police judgment. Liability for their actions cannot
 7 be imputed into American Airlines, a private corporation, merely because it
 8 requested law enforcement's assistance.

9 Criminal investigations involve the exercise of personal deliberation and
 10 individual professional judgment that necessarily reflect the facts of a given
 11 situation. By its very nature, investigative police work is discretionary and
 12 appropriate for exemption from suit absent gross negligence or a violation of law.
 13 *See, e.g., Walls v. Arizona Dep't of Pub. Safety*, 170 Ariz. 591, 594 (Ct. App. 1991)
 14 (acknowledging that both an investigatory stop and an arrest "involve a judgment by
 15 a police officer"); *Spooner v. City of Phoenix*, 246 Ariz. 119, 123-124 (Ct.App.
 16 2018) (acknowledging official police action "inherently requires judgment or
 17 discretion"). Accordingly, police have "a duty to conduct an investigation into the
 18 basis of [a] witness' report." *Fuller v. M.G. Jewelry* (9th Cir. 1991) 950 F.2d 1437,
 19 1444.

20 Here, Officer Todd Blanc, who was involved in Plaintiff's arrest, testified
 21 under oath that law enforcement officers are trained on how to assess the situations
 22 they encounter, including a suspect's body language, reactions, and threats, and
 23 evaluate each situation in order to react appropriately. (SS No. 19.) Officer Blanc
 24 further testified that police officers must independently decide whether physical
 25 force is appropriate and only use such force when necessary. (SS No. 20.)
 26 According to Officer Blanc, while a reported physical altercation may cause an
 27 officer to act with more urgency to arrive on scene, the officer must still individually
 28 and independently assess the circumstances they are confronted with when her or

1 she arrives to the scene. (SS No. 21.) Officers do not use force simply because they
 2 receive an urgent call but, instead, will only physically subdue a suspect if, based on
 3 their own independent judgment, the suspect is non-compliant or threatening. (SS
 4 No 22.) Notably, Plaintiff concedes that responding officers have an independent
 5 duty to investigate the situation prior making an arrest. (SS No. 23.)

6 Because the responding officers were exercising their independent judgment
 7 and inherent discretion, there is no legal or factual basis to hold American Airlines
 8 civilly liable for the actions of said officers, nor for Plaintiff's physical altercation
 9 with them. American Airlines is therefore entitled to summary judgment as a matter
 10 of law.

11 **VI. CONCLUSION**

12 Based on the foregoing points and authorities, the separate statement of
 13 undisputed material facts and the exhibits attached thereto, American Airlines is
 14 entitled to summary judgment or in the alternative summary adjudication.

15 Respectfully submitted,

16 Dated: December 22, 2025

17 By: /s/ Patrick Kearns
 18 Patrick J. Kearns, Esq.
 19 Taylor Allin, Esq.
 20 Sarena L. Kustic, Esq.
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 Airlines, Inc.

CERTIFICATE OF SERVICE

I hereby certify that this document was filed and served this 22nd day of December 2025, using this Court's CM/ECF filing system which will electronically transmit a copy to all counsel of record.

Respectfully submitted,

Date: December 22, 2025

By: /s/ Patrick Kearns
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